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Amendment No. 1 to SB1184

**Ketron
Signature of Sponsor**

AMEND Senate Bill No. 1184*

House Bill No. 1485

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting subdivisions (3) and (8) in their entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a) is further amended by adding the following as a new item thereto:

() State board of cosmetology and barber examiners;

SECTION 3. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) "Board" means the state board of cosmetology and barber examiners;

SECTION 4. Tennessee Code Annotated, Section 62-4-103 is amended by deleting such section in its entirety and by substituting instead the following:

62-4-103.

(a) The practice of cosmetology and barbering shall be under the supervision of a board known as the state board of cosmetology and barber examiners.

(b) The board shall consist of eleven (11) members appointed by the governor.

There shall be at least two (2) members from each grand division of the state.

(1) Five (5) members shall be cosmetologists and four (4) members shall be master barbers, each of whom has been licensed in this state for at least five (5) years. No such member shall, while serving on the board, be an instructor, owner or manager of a school of cosmetology, barber school or

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college of barbering, an employee in such a school, or in any manner connected with such a school.

(2) One (1) member shall be a person at least twenty-one (21) years of age who is not engaged in the occupation of cosmetology or barbering. No educational degree requirements shall apply for the public member, and such member shall participate in all activities of the board except composition of examinations, administration of practical portions of examinations, and inspection of schools of cosmetology, barber schools or colleges of barbering.

(3) One (1) member shall be an owner of a school licensed by the board or an instructor licensed by the board. Such member shall be entitled to participate in all activities of the board, except administration of examinations and inspection of schools of cosmetology, barber schools or colleges of barbering.

(4) Each member shall have been a bona fide resident of this state for at least five (5) years immediately preceding the date of appointment.

(5) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 5. Tennessee Code Annotated, Section 62-4-104 is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-4-104.

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(a)(1) Of the members initially appointed, one (1) master barber and one (1) cosmetologist shall serve terms of one (1) year, one (1) master barber and two (2) cosmetologists shall serve terms of two (2) years, and two (2) master barbers and two (2) cosmetologists shall serve terms of four (4) years. Thereafter, all appointments shall be for terms of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be made for the duration of the unexpired term.

(2) The public member and the school owner or instructor member of the board shall initially be appointed for terms of three (3) years. Thereafter, all appointments shall be made for terms of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) Before entering upon their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

(c) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(d) Members shall hold over after the expiration of their terms until a successor is appointed and qualified.

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 4, is amended by deleting the language "cosmetology board" wherever it appears and substituting instead the language "board of cosmetology and barber examiners".

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SECTION 7. Tennessee Code Annotated, Title 62, Chapter 3, is amended by deleting the language "board of barber examiners" wherever it appears and substituting instead the language "board of cosmetology and barber examiners".

SECTION 8. Tennessee Code Annotated, Sections 62-3-101, 62-3-102, 62-3-104 and 62-3-131 are repealed in their entireties.

SECTION 9. Tennessee Code Annotated, Section 4-3-1304 is amended by deleting subdivisions (4) and (5) in their entirety and by adding the following as a new item thereto:

() Board of cosmetology and barber examiners;

SECTION 10. All contracts or leases entered into prior to the effective date of this act by the board of barber examiners and the board of cosmetology with respect to any program or function transferred by this act with any entity, corporation, agency, enterprise or person shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on the effective date of this act, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the board of barber examiners and the board of cosmetology, unless and until such contracts or leases are amended, modified or terminated by the parties thereto.

SECTION 11.

(a) All rules, regulations, orders and decisions issued or promulgated by the board of barber examiners and the board of cosmetology shall remain in full force and effect and shall be administered and enforced by the state board of cosmetology and

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barber examiners. The state board of cosmetology and barber examiners shall have the authority to modify or repeal orders or rules and regulations previously issued and to adopt, issue or promulgate new orders or rules and regulations as may be necessary for the administration of the programs or functions transferred by this act.

(b) On the effective date of this act, all references to the board of barber examiners or the board of cosmetology contained in any forms, legal documents, notices and papers of any kind in the possession of or issued by the board of barber examiners or the board of cosmetology shall be deemed references to the state board of cosmetology and barber examiners and any actions thereon may be brought or maintained in the name of the state board of cosmetology and barber examiners as the successor in interest and shall receive the same force and effect as if brought the name of the predecessor board.

(c) References to the board of barber examiners and the board of cosmetology appearing elsewhere in this code shall be deemed references to the state board of cosmetology and barber examiners.

(d) The Tennessee code commission is directed to change references to the existing titles of officials, offices, boards, agencies and entities, wherever they appear in this code, to conform to the titles of officials, offices, boards, agencies and entities created by the provisions of this act.

SECTION 12. For the purpose of making appointments, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2004, the public welfare requiring it. Notwithstanding the provisions of Section

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4-29-112 or any other law to the contrary, it is the intent of the general assembly that the board of cosmetology and the board of barber examiners shall terminate and cease all activities on June 30, 2003. It is further the intent of the general assembly that the board of cosmetology and barber examiners created by this act shall commence operations on July 1, 2003, the public welfare requiring it.